Calendar No. 968

100TH CONGRESS
2d Session

SENATE

REPORT
100-533

SOUTHWESTERN PENNSYLVANIA HERITAGE PRESERVATION COMMISSION

SEPTEMBER 22 (legislative day, SEPTEMBER 1), 1988.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 3313]

The Committee on Energy and Natural Resources to which was referred the Act (H.R. 3313) to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 3313 is to establish a Heritage Preservation Commission in Southwestern Pennsylvania to foster a partnership in preserving and enhancing the region's cultural heritage.

BACKGROUND

The Allegheny highlands region covers a nine-county area in Southwestern Pennsylvania. The area is noted for its heavy concentration of iron, steel, coal and transportation industrial sites, interspersed among rural farmsteads and small communities.

Public Law 98-738 in 1984 included funds for the National Park Service to undertake a reconnaissance survey of Western Pennsylvania roads and sites. The study, which was completed in 1985, reviewed sites of regional significance and provided four alternatives for the development and promotion of the area's transportation and iron and steelmaking heritage.

In 1986, $430,000 was appropriated to the National Park Service to make a more detailed study of the region's resources and to de-

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velop a program to implement the concepts contained in the reconnaissance survey. Subsequently, in late 1986, a locally developed 33 member Heritage Preservation Commission was formed. The Commission, which was comprised of local elected officials and individuals selected by area civic and historical organizations, was established to develop plans and programs to implement the recommendations in the National Park Service reconnaissance study. The result of this was the development by the commission of a document known as the "Action Plan-America's Industrial Heritage Project." The Commission received technical and financial assistance, as well as direct staff support from the National Park Service in developing the Action Plan.

H.R. 3313 reponds in large part to the recommendations put forth in that action plan.

LEGISLATIVE HISTORY

H.R. 3313 passed the House on July 26, 1988. A Senate companion measure, S. 1902, was introduced by Senator Heinz on December 1, 1987. No Senate hearings have been held on either bill.

At the business meeting on Wednesday, September 14, 1988, the Senate Committee on Energy and Natural Resources ordered H.R. 3313 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on Wednesday, September 14, 1988, by unanimous vote of a quorum present, recommends that the Senate pass H.R. 3313, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield [1]	
Mr. Weicker [1]	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski [1]	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	

[1] Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the findings of the Congress and defines the purpose of the Act.

Section 101(a) authorizes the establishment of a 21 member Southwestern Pennsylvania Heritage Preservation Commission to assist the Commonwealth of Pennsylvania and local governments in a nine county area in preserving and interpreting significant historical and cultural resources of the area.

Section 101(b)-(g) sets out the terms for representation on the Commission, appointment of a chairman, quorum, meetings and compensation.

Section 102 authorizes the Commission to hire staff and procure on a temporary or intermittent basis, experts and consultants who may be necessary for the Commission to carry out its work. Further, it authorizes the use by the Commission, on a reimbursable basis, of staff from Federal, State and local agencies, and additionally to receive administrative support services from the General Services Administration, on a reimbursable basis.

Section 103 authorizes the Commission to hold hearings and develop such bylaws consistent with the Act as may be necessary to perform its duties. The Commission may establish technical advisory groups, receive donations and obtain property subject to the restrictions contained in the Act.

Section 104(a) authorizes the Commission to make loans or grants for specified purposes and to provide technical assistance to Federal, State and local agencies, private businesses and organizations in furthering the preservation and interpretation of the historic resources of the region. It further provides that any loan made available shall be for a term of less than 10 years from the date of enactment and shall be subject to such other terms and conditions as may be agreed upon by the Secretary and Commission.

Section 104(b) directs the Commission to prepare an annual report to the Secretary and for the Secretary to transmit to the Congress an annual report setting forth the financial operations of the Commission and the activities undertaken in the previous year in furtherance of the purposes of this Act.

Section 104(c) provides that no loans or grants may be made by the Commission until detailed cost estimates are prepared. Additionally, the Commission shall submit to Congress, within the year, detailed cost estimates on the projects proposed to be undertaken.

Section 104(d) provides for expiration of the Commission on the date occurring 10 years after the date of enactment of this Act and provides for the disposition of funds or property of the Commission remaining at its expiration.

Section 105 authorizes $3 million to be appropriated to the Commission to carryout the purposes of Title I, provided that such funds are available only to the extent they are matched by equivalent funds form non-Federal sources.

Section 201 provides for the designation of the Southwestern Pennsylvania Industrial Heritage Route. It also provides for the initial route linking sites in the nine-county Southwestern Pennsylvania area and authorizes the addition of other segments to the route.

Section 202 authorizes the Secretary to provide technical assistance in developing interpretive devices and materials for the benefit of the public along the heritage route.

Section 203 authorizes $150,000 to the Secretary to carry out the purposes of Title II and provides that no funds may be used for the operation, maintenance or repair of any road or related structure.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3313. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3313, as reported.

EXECUTIVE COMMUNICATIONS

On September 19, 1988, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 3313. These reports had not been received by the time the report on H.R. 3313 was filed. When the reports become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the appropriate agency at the hearing of the House Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs follows:

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and Members of the Committee, it is a pleasure to be here today to discuss H.R. 3313, a bill to establish in the Department of the Interior the Heritage Preservation Commission, and for other purposes.

We do not support the enactment of H.R. 3313 because the bill is unnecessary. We have sufficient authority to achieve the overall goals of this legislation.

H.R. 3313 would implement the principles of a document entitled "Action Plan—America's Industrial Heritage Project," dated August 1987, which contains recommendations regarding the future of the resources of a nine-county area in southwestern Pennsylvania. Specifically, H.R. 3313 would establish a Heritage Preservation Commission in the Department of the Interior, for a period

of 10 years, that would provide a forum for existing local, State, and Federal agencies to work together to promote historic preservation, tourism, and economic development. The legislation seeks to formalize the coordination that is beginning to occur among these levels since work began informally on the project last year. Also, a vehicular touring route along existing roads linking certain historic, cultural, natural, scenic and recreational sites would be authorized to be established.

A reconnaissance survey entitled "Reconnaissance Survey of Western Pennsylvania Roads and Sites" was conducted by the National Park Service in 1985 in which it was concluded that the region did possess a variety of nationally significant historic resources. Based on that finding, Representative Murtha assembled an informal advisory group, with assistance from professional planners and historians from the National Park Service, to further develop these preliminary findings. It was suggested that historic preservation and interpretation centered around three major themes of America's Industrial Heritage—coal, iron and steel, and transportation—could be the vehicle through which the goals of economic revitalization, transportation, and tourism promotion would be achieved on a coordinated basis in the nine-county area. The nine-county region has numerous sites that provide significant and representative components of the project themes.

To be specific, during the period of time the informal advisory group developed the preliminary findings, the National Park Service conducted several studies and surveys of historic properties in the region. The Cambria Iron Works and the Altoona Locomotive Works of the Pennsylvania Railroad were determined to be eligible for National Landmark status, which we believe to be the most appropriate mechanism for honoring both the integrity and history associated with these sites. Other sites throughout the region also relate directly to the existing four National Park Service management units within the area. For example, the Horseshoe Curve National Historic Landmark site directly relates to the Allegheny Portage Railroad National Historic Site.

With regard to the proposed Heritage Preservation Commission, it is intended to coordinate existing local, State, and Federal economic development, transportation, and tourism initiatives. We believe that a State-level commission would be the most appropriate forum to address the issues facing the nine-county region. Such a State-level commission could coordinate funding from various Federal agencies to achieve the same purposes as those proposed in H.R. 3313. While we recognize that such a coordinated approach at the Federal level has been enthusiastically supported by such groups as Bethlehem Steel Corporation, Conrail, Crown America Corporation, various local economic development authorities, and the Chambers of Commerce throughout the area, the coordinating function can be handled at the State level. We envision the role of the National Park Service to continue to be advisory to a State Commission with respect to historic preservation issues and interpretation and as a direct partner through its management responsibilities at Allegheny Portage Railroad National Historic Site, Johnstown Flood National Memorial, Fort Necessity National Battlefield, and Friendship Hill National Historic Site which are locat-

ed in the nine-county region. We anticipate using existing authority such as the 1935 Historic Sites Act and the 1966 Historic Preservation Act.

Title II of H.R. 3313 authorizes the Secretary to designate the "National Heritage Trail" in central and western Pennsylvania along publicly owned roads linking certain historic, cultural, natural, scenic, and recreational sites. Before designating a route, the Secretary must have the concurrence of the agencies with jurisdiction over the roads.

The "National Heritage Trails" proposed in Title II are similar to the approach outlined in the legislation authorizing the designation of the Masau Trail (Public Law 100–225; December 31, 1987). However, because this designation would be over existing public roads, we believe that we have sufficient authority to provide technical assistance through cooperative agreements with the State and local units of government to help develop an interpretive strategy for such an auto touring route, informational material, and standards for signs.

That concludes my prepared statement, Mr. Chairman. I would be happy to respond to any questions that you or other Members of the Committee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 3313, as reported.

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Calendar No. 969

100TH CONGRESS
2d Session

SENATE

REPORT
100-534

CANAVERAL NATIONAL SEASHORE

SEPTEMBER 22 (legislative day, SEPTEMBER 7), 1988.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 3559]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3559) to authorize and direct the acquisition of lands for Canaveral National Seashore, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purposes of H.R. 3559 are: (1) to authorize and direct the Secretary of the Interior to acquire approximately 24 acres known as Seminole Rest to protect and interpret an Indian midden; (2) to authorize and direct the Secretary to acquire approximately 10 acres known as the Stuckey's site to be used as the location for the Seashore's administrative headquarters and visitors center; and (3) to allow the development of needed facilities by increasing the development ceiling for the Seashore to $2.6 million.

BACKGROUND AND NEED

Established by Congress in 1975 and administered by the National Park Service, Canaveral National Seashore includes approximately 60,000 acres of beaches, wetlands and lagoons in Florida. It preserves one of the least disturbed subtropical shorelines in the United States. Special features include a 24 mile stretch of pristine sandy beach, cultural resources and 13 species of threatened and endangered animals including Florida manatees, green and loggerhead sea turtles, brown pelicans, peregrine falcons and southern bald eagles.

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The Seminole Rest site overlooks Mesquite Lagoon and contains impressive scenery, two houses built around 1890 and 1920 respectively, and a large Indian midden. This 25 foot high mound appears to be largely intact, and could contain a wealth of information and artifacts pertaining to the early Indian inhabitants on the Florida coast. Intact middens are a rarity in the area. The Nature Conservancy already has purchased Seminole Rest and is willing to sell it to the National Park Service for approximately $285,000.

The Seashore headquarters originally was located within the existing boundaries of the Seashore. In February 1987, the National Park Service had to abandon the site due to the presence of hazardous solvents in the soil and ground water. These toxic wastes originated from a NASA facility located on the site previous to the designation of the Seashore. Since April 1987, the Park Service has been leasing a temporary headquarters in Titusville, well outside the boundaries of the Seashore and in a location inconvenient for the public.

Summary of Major Provisions

H.R. 3559 authorizes and directs the Secretary of the Interior to acquire two parcels of land to be added to the Canaveral National Seashore, Seminole Rest (approximately 25 acres) and Stuckey's (approximately 10 acres). The Secretary is directed to manage Seminole Rest primarily to protect and interpret both the archaeological and historic resources on the property. The Secretary is directed to manage Stuckey's primarily for the establishment of an administrative headquarters and visitor center within Volusian County, Florida for the National Seashore. Such sums as may be necessary for acquisition are authorized to be appropriated.

H.R. 3559 also amends the 1975 Act to raise the appropriations development ceiling from $500,000 to $2.6 million over amounts previously appropriated to allow the Park Service to construct an administrative headquarters and visitor center, public toilets for the beach and other facilities. The $2.6 million ceiling would be in addition to the original $500,000, which has already been expended.

Legislative History

H.R. 3559 passed the House of Representatives on June 20, 1988. The Subcommittee on Public Lands, National Park and Forests held a hearing on August 2, 1988.

At the business meeting on Wednesday, September 14, 1988, the Senate Committee on Energy and Natural Resources ordered H.R. 3559, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on Wednesday, September 14, 1988, by unanimous vote of a quorum present recommends that the Senate pass H.R. 3559, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski*	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

Cost and Budgetary Considerations

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3559. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3559, as reported.

Executive Communications

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 3559 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC August 23, 1988.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 3559, as passed by the House of Representatives on June 20, 1988, "To authorize the acquisition of 25 acres to be used for an administrative headquarters for Canaveral National Seashore."

We oppose enactment of H.R. 3559 by the Senate, for reasons given below.

Canaveral National Seashore was established by Congress in 1975 to "preserve and protect the outstanding natural, scenic, scientific, ecologic and historic values of certain lands, shoreline, and waters of the State of Florida, and to provide for public outdoor recreation use and enjoyment of the same. . . ." The seashore's nearly 60,000 acres of beach strand, wetlands, and submerged lagoon, and 24 miles of sandy beach, represent an important conservation and public recreation commitment in a region of the United States that has seen radical changes in land use and population density over the past 50 years. Even within the seashore, there are many signs of alteration of the natural system, such as extensive dikes and impoundments, old drainage ditches, and a network of unpaved roads. Despite all of these alterations, the seashore is still one of the least disturbed coastal segments remaining along the Nation's subtropical shoreline and one of the very last sections of undeveloped beachfront in Floridia.

Moreover, Canaveral National Seashore is one of several barrier islands along the Atlantic and Gulf Coasts, one among the last surviving portions of a natural ecological continuum that once extended from Cape Cod in Massachusetts to Mexico. For this reason, the national seashores, including Canaveral, take on exceptional ecological significance by conserving barrier island habitat at various locations along this continuum.

The seashore is home to some 13 species of threatened or endangered wildlife, including the Florida manatee as well as Green and Loggerhead sea turtles which nest on the seashore's beaches. The brown pelican and southern bald eagle both nest within the seashore. Arctic peregrine falcon frequent the barrier island on their annual migration.

Indians, explorers, soldiers, citrus growers, canal builders, and astronauts have all visited the Cape Canaveral area, and all have left their mark on the land. The historical themes of human activities provide human interest and scale to the natural resource themes. In a survey conducted during 1975–76 by the National Park Service's Southeast Archaeological Center, several cultural resources were found to qualify for nomination to the National Register of Historic Places. Four of these were nominated eventually to the National Register.

In accordance with the Act of January 3, 1975, which established the seashore, the National Park Service administers approximately 30 percent of the area contained within the boundaries of the park.

Nearly 40,000 acres are the responsibility of the National Aeronautics and Space Administration (NASA) which has worked out a cooperative agreement with the U.S. Fish and Wildlife Service to manage the area as the Merritt Island National Wildlife Refuge. The National Park Service manages a small portion of NASA's lands as a part of the seashore.

H.R. 3559, as passed by the House of Representatives, would authorize and direct the Secretary to acquire two parcels of land to be added to Canaveral National Seashore—25 acres known as Seminole Rest and a 10-acre site known as Stuckey's. The Stuckey's site would be acquired for the purpose of establishing an administrative headquarters and related facilities. Seminole Rest would be managed to protect and interpret the archaeological and historic resources on the property. H.R. 3559 would also increase the park's development ceiling from the present $500,000 to $3.1 million, an increase of $2.6 million. According to the House Committee report, these sums are for developments both within the existing national seashore as well as on the two additional parcels authorized in the bill.

Because it is readily accessible by road and already partially developed, we believed initially that the Seminole Rest site was a good choice for the administrative headquarters development. However, National Park Service archaeologists have recently conducted preliminary surveys of this area and tell us that the cultural resource which underlays much of Seminole Rest, a midden or mound containing debris from aboriginal meals as well as artifacts, may well be superlative—the best of its kind in the State of Florida. However, further investigation would be necessary to confirm this.

The Stuckey's site would be appropriate for an administrative headquarters in our judgment. The current administrative headquarters is located in a rented building in Titusville at the southern end of the national seashore.

While we cannot take exception with the intent of this legislation nor would we disagree with the description of the superlative resources already found within the boundaries of the national seashore, we cannot support additional acquisition authorization with appropriated funds in light of the Federal budget deficit. As we have stated previously, it is not fair to raise landowner expectations that the Federal Government will soon purchase their private interests and make payments for such purchases. This will not be the case in light of the existing acquisition backlog. Moreover, we believe that the full range of private, local and State protection options for the resource at Seminole Rest should be explored before committing to any Federal involvement.

H.R. 3559, as passed by the House, would also provide for a significant increase in the development ceiling for the national seashore. Because of budgetary constraints, we cannot support this increase at this time; however, we do support that portion—$900,000—which would permit us to provide adequate, modern sanitary facilities for visitors along the beaches. These are provided for in our Fiscal Year 1989 budget proposal as well as the park's general management plan.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the Administration's standpoint.

Sincerely,

SUSAN RECCE,
Acting Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act, H.R. 3359, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF JAN. 3, 1975

(88 Stat. 2125, 16 U.S.C. 459j–8)

* * * * * * *

SEC. 9. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $7,941,000 for the acquisition of lands and interests in lands. In order to avoid excessive costs resulting from delays in the acquisition program, the Secretary shall make every reasonable effort to promptly acquire the privately owned lands within the seashore. Until all such lands are acquired, he shall report, in writing on June 30 of each year to the Committees on Interior and Insular Affairs of the United States Congress the following information:

(1) the amount of land acquired during the current fiscal year and the amount expended therefor;

(2) the amount of land remaining to be acquired; and

(3) the amount of land programmed for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the development of essential public facilities there are authorized to be appropriated [not mote than $500,000] *$2.6 million in addition to the sums previously appropriated.* Within three years from the date of the enactment of this Act, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the seashore consistent with the preservation objectives of this Act, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the seashore.

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